

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Eric Leon Christian,
Plaintiff
v.
James Mahan,
Defendant

2:15-cv-00279-JAD-CWH

**Order Denying Motion for Relief from
Dismissal Order
[ECF 6]**

Pro se plaintiff Eric Leon Christian sued U.S. District Judge James Mahan for decisions the judge made during Christian's criminal case. On August 24, 2015, Magistrate Judge Hoffman granted Christian's application to proceed *in forma pauperis* and screened his complaint. ECF 2 at 3. Judge Hoffman recommended that I dismiss Christian's claims because judges enjoy absolute immunity from liability for acts performed in their official capacities. *Id.* Objections were due by September 10, 2015, and when no timely objection was filed, I adopted Judge Hoffman's recommendation on September 11, 2015, and dismissed and closed this case. ECF 4.

Three weeks later, Christian filed a belated objection. ECF 6. I liberally treat this untimely objection to the magistrate judge's recommendation as a motion for relief from my dismissal order under Rule 60 of the Federal Rules of Civil Procedure and deny it.

Federal Rule of Civil Procedure 60(b) governs reconsideration of final orders of the district court and allows the court to relieve a party from a final order where there is mistake, inadvertence, surprise, excusable neglect, newly discovered evidence, or fraud by an opposing party; when the judgment is void or has been satisfied; or for any other reason that justifies relief.¹ The party moving for relief from the final order bears the burden of proof.²

Plaintiff has not sustained his burden to demonstrate that the court's dismissal order should

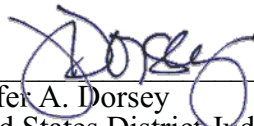
¹ Fed. R. Civ. P. 60(b).

² See *Rufo v. Inmates of Suffolk Cnty. Jail*, 502 U.S. 367, 383 (1992).

1 be set aside. I dismissed this case because the defendant—a trial judge—enjoys absolute immunity
2 from liability for the acts on which plaintiff’s claims are based: judicial decisions made during
3 plaintiff’s criminal trial and sentencing.³ Plaintiff’s objection to that order is based on a
4 misunderstanding of the law, and he does not address in any way the crux of the dismissal and the
5 reason his claims fail: a centuries-old rule that judges cannot be sued by disgruntled litigants.⁴
6 Because plaintiff has not demonstrated any legal basis for relief from my dismissal order, his
7 “objection to dismissal,” which I construe as a motion for relief from the dismissal order, is
8 overruled and denied.

9 Accordingly, it is hereby ORDERED that plaintiff Eric Leon Christian’s Objection to
10 Dismissal [ECF 6] **is overruled**, and his request for relief from the dismissal order is **DENIED**.
11 Any further relief from this dismissal must be sought through the appellate process.

12 Dated this 20th day of October, 2015

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15 Jennifer A. Dorsey
16 United States District Judge
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26 ³ ECF 2, 3, 4.

27 ⁴ See *Forrester v. White*, 484 U.S. 219, 225 (1988) (recounting the history of, and rationale for,
28 absolute judicial immunity).